

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI

BACKPAGE.COM, LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:17 CV 1951
	)	
JOSHUA D. HAWLEY, in his official	)	
capacity as Attorney General of the State	)	
of Missouri,	)	
	)	
Defendant.	)	

**Thompson Coburn's Response to  
The Attorney General's July 16, 2018, Motion**

Thompson Coburn LLP and the attorneys identified below file this response to the Attorney General's July 16, 2018 motion (doc. # 73). Although the motion was not filed against Thompson Coburn LLP or its attorneys, and the Attorney General's office has assured us that it is not directed at any conduct by Thompson Coburn attorneys, the motion does at times refer generally to "counsel." We therefore write separately to note our position on the motion.

Attorneys have a duty to represent clients who are accused of misconduct. When the underlying litigation involves communications (as in this case, involving the section 230 protections that Congress enacted in 1996 to protect Internet intermediaries), aggressive pursuit of sanctions against attorneys can chill the freedoms of expression protected by our Constitution, as well as litigants' rights to counsel. Our legal system is vibrant and benefits all Americans because it supports everyone's right to effective counsel.

Here, there is no basis for sanctions and the request itself threatens good faith and vigorous advocacy by members of our profession.

Although the motion is not directed against Thompson Coburn or its attorneys, we note these principles on the record for the Court's consideration.

DATED: August 6, 2018

Respectfully submitted,

/s/ Mark Sableman

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*On their own behalf and on behalf of the firm*

#### **CERTIFICATE OF SERVICE**

The undersigned certifies that a true copy of the foregoing was filed electronically with the Clerk of the Court on August 6, 2018, to be served via operation of the Court's electronic filing system upon all counsel of record.

/s/ Mark Sableman